

STATE BUILDING CODE INTERPRETATION NO. I-3-99

January 15, 1999

This communication is offered in response to your letter in which you request an interpretation of the 1994 State Building Code at Table 305.2 by asking the following question:

Question: "Is it the opinion of your office, that occupancies baking/frying food products for sale to the public, and without public seating (such as a 'take-out' pizza, donut or bagel shops might be), should be grouped in this [*your letter refers to Use Group F-1*] category?"

Answer: No. The bakeries that are referenced in Table 305.2 are large commercial bakeries that have the characteristics of factories and manufacture baked goods in much larger quantities than would be found at a typical take-out food shop. The characteristics of a take-out food shop in terms of visitation from the public, and cooking equipment utilized are more in keeping with Use Group B with respect to a pizza shop where the product is not on display, but ordered from a counter or by telephone, or Use Group M with respect to a donut or bagel shop in which the goods for sale are on display. Section 312.1 of the code states "Where a building or structure is proposed for a use not specifically provided for in this code or the classification of which is doubtful, such building or structure shall be included in the use group which it most nearly resembles in respect to the existing or proposed life and fire hazard, and shall be so classified by the code official." Each individual proposal will have to be investigated by the local code official to determine the most logical choice of use group.